



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF THE REGIONAL
ADMINISTRATOR

AUG 12 2016

Theodore A. Brown, P.E.
Chief, Planning and Policy Division, Directorate of Civil Works
Headquarters, U.S. Army Corps of Engineers
CECW-P (SA)
7701 Telegraph Road
Alexandria, Virginia 22315-3860

Dear Chief Brown:

Thank you for your letter of July 11, 2016. The U.S. Environmental Protection Agency has reviewed the U.S. Army Corps of Engineers' July 2016 Puget Sound Nearshore Ecosystem Restoration Project proposed report of the Chief of Engineers and the report of the District Engineer as well as the Final Integrated Feasibility Report and Environmental Impact Statement (EPA Region 10 Project Number: 09-061-COE).

Our review was conducted in accordance with your request for State and Agency Review and the EPA's responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. In addition, our review reflects our recognition of Puget Sound as an estuary of national significance and the key role of PSNERP in supporting the environmental outcomes of the Puget Sound Partnership's Action Agenda as the Comprehensive Conservation and Management Plan of the Puget Sound National Estuary Program.

Congress has tasked the EPA with helping to ensure the restoration and protection of Puget Sound. Thus, the EPA has a vital interest in projects that advance this goal. PSNERP will be a major and transformative investment to restore crucial Puget Sound nearshore functions. We applaud the USACE and Washington Department of Fish and Wildlife for their leadership and perseverance in developing PSNERP over many years.

In our 2014 comments on the Draft Integrated Feasibility Report and Environmental Impact Statement, we recommended selection of the more geographically comprehensive alternative – with restoration sites in all seven of Puget Sound's sub-basins, including the Strait of Juan de Fuca, Hood Canal and South Puget Sound. We also recommended additional information on:

- the scale of PSNERP's long-term benefits relative to ongoing problems,
- lessons learned from other coastal restoration projects,
- how ongoing and predicted protection efforts by local, State, tribal or other organizations are likely to work in sync with this project's restoration efforts, and,
- how climate resiliency factored into the formulation of the final array of alternatives.

The July 2016 Final Integrated Feasibility Report and Environmental Impact Statement is responsive to our 2014 recommendations. Our highest priority recommendation was for a geographically comprehensive alternative. We recognize the Corps' and non-Federal sponsor's Puget Sound Nearshore

Implementation Strategy as being fully responsive to that recommendation.¹ The Implementation Strategy addresses our interest in geographic comprehensiveness because we agree that the strategy would allow “...for a more diversified scope of projects to be implemented under various restoration authorities of the Corps and Puget Sound Nearshore partners.”²

At this time, we emphasize our strong support for construction authorization of a National Ecosystem Restoration Plan / Recommended Plan – as described in the Final FR/EIS and Chief’s Report.³ The NER Plan will restore aquatic ecosystem structure and function to three sites in the Puget Sound Nearshore – the Duckabush River Estuary, the Nooksack River Delta, and the North Fork Skagit River Delta. The NER Plan provides restoration of a total of 2,101 acres of aquatic habitat in the study area and provides substantial benefits to nationally significant resources.

The underlying screening process and primary driving rationale for NER Plan’s three sites is robust.⁴ Restoration at the Duckabush River Estuary would address habitat constraints in Hood Canal, which is a partially isolated geographic section of Puget Sound. Restoration at the Nooksack River Delta would provide 25 percent of the Puget Sound Action Agenda’s 2020 estuarine habitat recovery goal in a single project. Inclusion of North Fork Skagit River Delta would restore floodplain and tidal connectivity in the estuary of the Skagit River, the largest and most productive river in Puget Sound.

With regard to our recommendations for additional information, we continue to believe that it is useful to understand the extent to which a restoration project or program would reverse declining trends; that lessons learned elsewhere is a priority research item; that restoration should be strategically planned to work in sync with other organizations’ protection efforts; and that climate change resiliency be a decision factor. The overall PSNERP decision process, an effort involving many federal, local and state agencies and tribes as well as non-governmental organizations since 2001, is nationally exemplary and analytically sound on these and many other restoration issues.

With an eye toward next steps, we note our support for the March 2016 U.S. Fish and Wildlife Service Final Fish and Wildlife Coordination Act Section 2(b) Report’s recommendations.⁵ Consistent with the USFWS, we support immediate enactment of the Recommended Plan and aggressive pursuit of opportunities to apply other Corps authorities to implement the full portfolio of 12 projects identified in the Implementation Strategy. We also strongly endorse USFWS’s recommendation for simultaneous work to develop local sponsorship, and support from the Corps and other agencies for additional studies to advance the remaining nine projects determined suitable for implementation, but lacking sufficient information for immediate authorization. To the extent possible, as one next step, we recommend that the Record of Decision include additional information on the Corps’ plans to expeditiously implement the 12 existing authorities’ projects, and simultaneously develop local sponsorship and integrated federal agency support for the nine projects requiring additional study.

Thank you for this opportunity to comment and if you have any questions please contact me or Christine

¹ PSNERP Final FR/EIS, Appendix A

² PSNERP Final FR/EIS, p. iv

³ Accessed online 8/8/16 at:

http://www.nws.usace.army.mil/Portals/27/docs/environmental/resources/2016EnvironmentalDocuments/PSNERP/Puget%20Sound%20Nearshore_Final-Chiefs-Report_2016.pdf

⁴ PSNERP Final FR/EIS, Chapter 4

⁵ PSNERP Final FR/EIS, Appendix J, pdf p. 162 (p. 44)

Littleton at (206) 553-1601 or by electronic mail at Littleton.Christine@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michelle Thompson".

Dennis J. McLerran *DJ*
Regional Administrator

cc: Mr. John G. Buck, Colonel, USACE
Ms. Nancy C. Gleason, Environmental Coordinator, USACE
Mr. Curtis Tanner, Local Project Manager, U.S. Fish and Wildlife Service
Ms. Elizabeth Babcock, Puget Sound Salmon Recovery Coordinator, NOAA
Ms. Sheida Sahandy, Executive Director, Puget Sound Partnership